IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 18552 of 2007
Date of Decision: 18.11.2008

H.C.Arora ..Petitioner

versus

State of Punjab and others ..Respondents

CORAM: HON'BLE MR. JUSTICE T.S.THAKUR,CHIEF JUSTICE
HON'BLE MR. JUSTICE JASBIR SINGH

1.Whether Reporters of local papers may be allowed to see the judgment ?
2. Whether to be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

Present : Mr. H.C.Arora petitioner in person

Mr. Amol Rattan Singh, Addl. A.G. Punjab
for the respondents

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T.S.Thakur, C.J. (Oral)

This petition has been filed in public interest. It prays for a mandamus directing the respondents-State Government to take appropriate action for removal of all such government employees as have been convicted on the charges of corruption and as are continuing in service despite the said conviction.

In response to the notice issued by this Court, Addl. Secretary, Vigilance Department, Government of Punjab, has filed an affidavit on 11.8.2008, inter-alia, stating that as many as 150 officials convicted for various offences for which they were charged have been dismissed from the service by the Government. Another affidavit filed by Additional Secretary,

Vigilance Department, Punjab on 10.11.2008 gives certain further details and states that 16 more employees have been similarly removed from the service, details whereof are set out in Annexure P-2 to the said affidavit. The affidavit also refers to the directions issued and the meetings held by the Chief Secretary, Government of Punjab, in which the Chief Secretary has instructed the heads of the departments to take appropriate action in the matter.

Mr. Arora who appears in person argues that according to the statement filed by the respondents with the affidavit dated 10.11.2008, four employees appearing at Serial Nos. 11,12,13 and 15 are continuing in service, although, their conviction has not been stayed by the appellate Court. He submits that the petition could be disposed of with a suitable direction to the Government to examine the cases of all such employees including the four employees mentioned above who have been convicted and their conviction has not been stayed and to pass appropriate orders in the matter in accordance with the rules on the subject.

Mr. Amol Rattan Singh, Addl. A.G. Punjab appearing for the respondent-State of Punjab submits that the matter is being monitored at the highest level by the Chief Secretary and that dismissal of a very large number of employees who have been convicted under various offences itself shows that the State Government is not protecting any employee who has been convicted under any offence and that such employees have been removed from the service without any delay. He further states that the process of examination of such cases and passing of appropriate orders would continue under the supervision of Chief Secretary including the orders of four employees as pointed out by Mr. Arora.

In the circumstances, therefore, we consider it unnecessary to continue these proceedings on the board of this Court. The same can in our opinion be disposed of with a direction to the Chief Secretary, Government of Punjab, to periodically monitor the action against the employees who are convicted for the offences alleged against them and ensure that those who deserve to be weeded out on account of their conviction in accordance with the rules on the subject are dealt with strictly in accordance with the said rules. This would include action that may be called for against the four employees pointed out by Mr. Arora. The writ petition is accordingly disposed off with the above directions and observations leaving the parties to bear their own costs.

Pending Civil Miscellaneous applications accompanying the writ petition are also disposed of.

(T.S.THAKUR)
CHIEF JUSTICE

(JASBIR SINGH)
JUDGE

18.11.2008
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